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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

In re RIPPLE LABS INC. LITIGATION

This Document Relates to:

ALL ACTIONS

Case No. 4:18-cv-06753-PJH

**DEFENDANTS' STATEMENT IN  
SUPPORT OF LEAD PLAINTIFF'S  
ADMINISTRATIVE MOTION TO  
CONSIDER WHETHER ANOTHER  
PARTY'S MATERIALS SHOULD BE  
SEALED**

1 Pursuant to Northern District of California Civil Local Rules 7-11, 79-5(c), 79-5(f), and  
 2 this Court's Standing Order, Defendants Ripple Labs Inc., XRP II, LLC, and Bradley  
 3 Garlinghouse (collectively, "Ripple") respectfully submit this statement and declaration in  
 4 response to Lead Plaintiff's Administrative Motion to Consider Whether Another Party's  
 5 Materials Should be Sealed (ECF No. 239).

6 Lead Plaintiff's Motion to Seal seeks to redact portions of Joint Letter Brief filed on  
 7 April 17, 2023 and accompanying Exhibit A (the "Protected Materials"), described in greater  
 8 detail below. Ripple designated these documents as "CONFIDENTIAL" or "HIGHLY  
 9 CONFIDENTIAL – ATTORNEY'S EYES ONLY" under the Stipulated Protective Order as  
 10 Modified by the Court ("Protective Order"), Dkt. 143, and Lead Plaintiff was thus compelled to  
 11 file these documents under seal. Ripple now submits this statement and accompanying  
 12 declaration in support of the Motion to Seal.

13 In the Ninth Circuit, "when a party attaches a sealed discovery document to a non-  
 14 dispositive motion, the usual presumption of the public's right of access is rebutted." *Foltz v.*  
 15 *State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003). A showing of "'good  
 16 cause' suffices to warrant preserving the secrecy of [such] sealed discovery material attached to  
 17 non-dispositive motions." *Id.*

18 Under the "good cause" standard, a party seeking to file documents under seal pursuant  
 19 to that standard must make a "particularized showing" under the "good cause standard of Rule  
 20 26(c)." *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006) (citations  
 21 and quotation marks omitted). The Court has "broad latitude" under Rule 26(c) "to prevent  
 22 disclosure of materials for many types of information, including, but not limited to, trade secrets  
 23 or other confidential research, development, or commercial information." *Phillips v. General*  
 24 *Motors Corp.*, 307 F.3d 1206, 1211 (9th Cir. 2002) (citations omitted).

25 For the reasons stated below, it is appropriate to seal the Protected Materials because the  
 26 "good cause" standard is met.

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1           The Protected Materials contain information Ripple considers to be highly sensitive and  
 2 confidential information, the disclosure of which could result in competitive harm to Ripple.  
 3 The Protected Materials should be sealed for the reasons set forth in the below chart:

5 <b>Type of Material Defendants Seek to Seal</b>	6 <b>Page/Paragraph/Exhibit Numbers to be 7 Redacted or Sealed in Full</b>
8 Documents or portions thereof describing or 9 providing detailed information on Ripple's 10 trade secret business information and highly sensitive internal strategy information, disclosure of which would be very likely to result in unjustified competitive harm.	9           Highlighted portions of Joint Letter Brief 10 at pages 1, 2, 3, and 6. 11           Exhibit A to Joint Letter Brief.

11           For the reasons stated above, Ripple respectfully requests that the Court grant the Motion  
 12 to Seal and allow the Protected Materials to remain under seal.

13           DATED: April 21, 2023

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 16           By: /s/ Meghan H. Strong  
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*Counsel for Defendant Ripple Labs Inc.*

## **CERTIFICATE OF SERVICE**

I hereby certify that on April 21, 2023, I electronically filed the foregoing document with the clerk of the Court and served counsel of record via the CM/ECF system.

/s/ Meghan H. Strong  
Meghan H. Strong